

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VOCALIFE LLC §
v. § CIVIL ACTION NO. 2:21-CV-00128-JRG
BOSE CORPORATION § (Lead Case)
§

VOCALIFE LLC §
v. § CIVIL ACTION NO. 2:21-CV-00129-JRG
SONOS, INC. § (Member Case)
§

ORDER

Before the Court is Defendant Sonos Inc.’s (“Sonos”) Motion to Dismiss Plaintiff Vocalife LLC’s First Amended Complaint for Improper Venue (the “Motion to Dismiss”) (Dkt. No. 39) and Sonos’s Unopposed Motion for Hearing on Defendant Sonos Inc.’s Motion to Dismiss Plaintiff Vocalife LLC’s First Amended Complaint for Improper Venue or Transfer (the “Motion for Hearing”) (Dkt. No. 67). In the Motion to Dismiss, Sonos argues that its authorized dealers in the Eastern District of Texas do not constitute a “regular and established place of business.” (Dkt. No. 39 at 6). Plaintiff Vocalife LLC (“Vocalife”) responds that the authorized dealers constitute “a regular and established place of business” and requests targeted venue discovery to further address and develop such. (Dkt. No. 59 at 5–6).

The Court has discretion to allow targeted venue discovery. *Moore v. CITGO Ref. & Chemicals Co., L.P.*, 735 F.3d 309, 315 (5th Cir. 2013) (“A district court has broad discretion in all discovery matters, and such discretion will not be disturbed ordinarily unless there are unusual circumstances showing a clear abuse.”); *Green v. Life Ins. Co. of N. Am.*, 754 F.3d 324, 329 (5th Cir. 2014) (“A district court abuses its broad discretion when its decision is based on an erroneous

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view of the law, but we will only vacate a court’s judgment if it affected the substantial rights of the appellant. The appellant must prove both abuse of discretion and prejudice.” (citing *Crosby v. La. Health Serv. & Indem. Co.*, 647 F.3d 258, 261 (5th Cir. 2011))) (citations omitted). In all cases, discovery decisions “must . . . adhere to the liberal spirit of the Rules” of Civil Procedure. *U.S., ex rel., Rigsby v. State Farm Fire & Cas. Co.*, 794 F.3d 457, 469 (5th Cir. 2015), *aff’d sub nom. State Farm Fire & Cas. Co. v. U.S. ex rel. Rigsby*, 137 S. Ct. 436 (2016) (citing Fed. R. Civ. P. 26(b)(1)). The Court’s discretion—and the liberal thrust of the Rules of Civil Procedure—extends to venue discovery. *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351 n.13 (1978) (“[W]here issues arise as to jurisdiction or venue, discovery is available to ascertain the facts bearing on such issues.”).

Having reviewed the briefing, the Court finds that it could benefit from targeted venue discovery and additional briefing after such discovery is completed. Accordingly, it is **ORDERED** that the parties are to conduct targeted venue discovery limited to the issues raised in Sonos’s Motion to Dismiss. Such discovery shall conclude upon sixty (60) days from the date of this Order. The discovery may include document requests, interrogatories, and/or a deposition of Sonos’s declarant, Ms. Alaina Kwasizur, or a similarly knowledgeable witness. All discovery conducted as part of the targeted venue discovery shall count towards the limitations set forth in the Court’s Discovery Order (Dkt. No. 45). Sonos’s Motion to Dismiss is **DENIED-WITHOUT-PREJUDICE** pending targeted venue discovery. Defendant may then refile its Motion to Dismiss after the targeted venue discovery is completed.

Further, Sonos’s Motion for Hearing is **DENIED-WITHOUT-PREJUDICE**. Similarly, Sonos may refile its request for a hearing on these issues after the venue discovery is complete and briefing on its reurged Motion to Dismiss is complete.

So ORDERED and SIGNED this 9th day of December, 2021.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE